

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) A method of operating a communications network having a customer terminal which has a tariff at least temporarily stored therein, including:

automatically varying at the customer terminal, depending on network loading as detected at the customer terminal, the tariff for network usage by the customer terminal, the network loading being indicative of a current status of network congestion as detected at the customer terminal; and

calculating a charge for the network usage by the customer terminal using the tariff.

2. (previously presented) A method according to claim 1, further including detecting at the customer terminal a network performance parameter which depends on network loading, and varying the tariff depending on the network performance parameter.

3. (original) A method according to claim 2, in which the network is a packet network and the network performance parameter is the number of packets lost in transmission between a data source and the customer terminal.

4. (previously presented) A method according to claim 1, further including

detecting a congestion signal at the customer terminal and varying the tariff in response to the congestion signal.

5. (previously presented) A method according to claim 4, further including reading a congestion signal at the customer terminal from a data packet received at the customer terminal.

6. (previously presented) A method according to claim 4, further including generating a congestion signal at a router in the network in response to the detection of congestion at the router.

7. (previously presented) A method according to claim 1, wherein automatically varying the tariff at the customer terminal includes making a first relatively smaller increase in the tariff when congestion is first detected, and making at least one further, relatively larger increase, if the congestion persists.

8. (previously presented) A method according to claim 1, further including programming a decision agent at the customer terminal with user-determined price criteria, and comparing a price calculated using the tariff with the price criteria.

9. (previously presented) A method according to claim 1, further including distributing a tariff algorithm via the communications network to a plurality of terminals and calculating at each terminal, using the tariff, a charge for network usage by the

terminal.

10. (previously presented) A method according to claim 9, further comprising steps, carried out by a network operator, of:

intermittently sampling traffic between the customer terminal and the network, and as part of the sampling, recording network loading affecting the customer terminal; and

for the sampled traffic, comparing a charge calculated by the customer terminal and an expected charge and detecting thereby any discrepancy.

11. (previously presented) A method according to claim 1, in which when the customer terminal detects congestion in data transmitted to the customer terminal from a data source via the network, the customer terminal returns a congestion notification signal to the data source.

12. (previously presented) A method according to claim 1, further including at a customer terminal, selecting a period of time for which the tariff is to be fixed and paying a premium depending on the duration of the period.

13. (canceled)

14. (previously presented) A communications network including:  
means for detecting network loading locally at a customer terminal, the network

loading being indicative of a current status of network congestion as detected locally at the customer terminal;

means responsive to the means for detecting arranged automatically to vary a tariff for network usage by the customer terminal, the tariff being at least temporarily stored by the customer terminal; and

means for calculating a charge for the network usage by the customer terminal using the tariff.

15. (previously presented) A customer terminal for use in a communications network, the customer terminal including:

means for detecting a local amount of loading of a network, which is indicative of a current status of network congestion perceived by the customer terminal, to which, in use, the customer terminal is connected;

means responsive to the means for detecting and arranged automatically to vary a tariff for network usage by the customer terminal, the tariff being at least temporarily stored by the customer terminal;

means for calculating a charge for the network usage by the customer terminal using the tariff.

16. (previously presented) A customer terminal for use in a communications network, the customer terminal including one or more processors arranged to carry out the following steps in sequence:

detecting a local amount of loading of resources in a network, which is indicative

of a current status of network congestion perceived by the customer terminal, to which the customer terminal is connected; and

automatically varying in dependence on the detected loading a tariff for network usage by the customer terminal, the tariff being at least temporarily stored by the customer terminal, the tariff being at least temporarily stored by the customer terminal;

calculating a charge for the network usage by the customer terminal using the tariff.

17. (previously presented) A method according to claim 1, in which the tariff is varied only if the terminal fails to reduce its output in response to detected congestion.

18. (previously presented) A method as in claim 1, wherein the customer terminal is one of a mobile telephone, an intelligent phone and a personal computing device.

19. (previously presented) A communications network as in claim 14, wherein the customer terminal is one of a mobile telephone, an intelligent phone and a personal computing device.

20. (canceled)

21. (previously presented) The customer terminal in claim 15, wherein the customer terminal is one of a mobile telephone, an intelligent phone and a personal

computing device.

22. (previously presented) The customer terminal as in claim 16, wherein the customer terminal is one of a mobile telephone, an intelligent phone and a personal computing device.

23.-25. (canceled)

26. (previously presented) A method according to claim 1, wherein:  
said communications network has a global amount of networking loading;  
said network loading detected at the customer terminal comprises a local observation of the network loading, the local observation of the network loading being indicative of the current status of network congestion as perceived by the customer terminal; and

said automatically varying the tariff includes automatically varying the tariff based on said local observation.

27. (previously presented) A method as in claim 26, wherein the customer terminal one of a mobile telephone, an intelligent phone and a personal computing device.

28. (previously presented) A method as in claim 26, wherein said detecting the local observation includes the customer terminal counting the number of data packets

***BRISCOE et al.***

***Application No. 09/674,720***

***June 12, 2008***

sent or received across a network interface with the customer terminal.